

COMPLAINT PROCESS FHWA Funds

Title VI of the Civil Rights Act of 1964 provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

The Oklahoma Department of Transportation (ODOT) complies with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and 23 CFR 200.9(b)(3). ODOT uses the following detailed internal procedures for prompt processing and resolution of all Title VI complaints received directly by any of its divisions or field districts that have responsibilities under Title VI and related Nondiscrimination statutes.

These procedures include, but are not limited to:

1. Any person who believes that they – or a specific class of persons – were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of ODOT may file a Title VI complaint. A complaint may also be filed by a representative on behalf of such a person.

2. In order to have the complaint considered under this procedure, the complaint must be filed no later than 180 calendar days after:

- ❖ The date of the alleged act of discrimination; or
- ❖ Where there has been a continuing course of conduct, the date of the most recent incident

3. Complaints shall be filed using the department’s Title VI Complaint Form (available at <https://oklahoma.gov/odot/business-center/odot-forms.html> or by contacting the Contract Compliance Division). Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Compliance Manager. If necessary, the Compliance Manager will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.

Complaints should be directed to:

**Oklahoma Department of Transportation
Contract Compliance Division
Attention: Compliance Manager
200 N.E. 21st Street
Oklahoma City, OK 73105-3204**

4. Upon receipt of the signed complaint form, the Compliance Manager will log the complaint and forward the complaint to the Oklahoma FHWA Division for processing within ten (10) business days.

5. The Compliance Manager reviews and determines the appropriate action regarding every Title VI complaint. The department will not proceed with or continue a complaint investigation if:

- a. The complaint is, on its face, without merit
- b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
- c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identity) has made it impossible to investigate further.

6. Within ten (10) business days, the Compliance Manager will acknowledge receipt of the allegation and inform the complainant that the complaint has been forwarded to the Oklahoma FHWA Division for processing. The complainant is advised of other avenues of redress available, such as the Department of Justice and the Department of Transportation. The notification letter contains:

- a. The basis of the complaint.
- b. A brief statement of the allegation(s).
- c. A brief statement that the complaint has been forwarded to the Oklahoma FHWA Division; and
- d. An indication that the parties will be contacted when FHWA completes the processing of the complaint.

7. The FHWA will issue the official "Letter of Findings" to the complainant once the process is complete.

If the complaint cannot be resolved by the Department to the satisfaction of all parties concerned, the party not satisfied is advised of his or her right to appeal pursuant to Title 49, Code of Federal Regulations, Part 21. The appeal must be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary to:

**U.S. Department of Transportation
Federal Highway Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590**

A complaint may be filed with the Secretary of the U.S. Department of Transportation before, during, or after it has been filed with the Oklahoma Department of Transportation.

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, or genetic information, be excluded from participation in, be denied the benefits of, be retaliated against, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors. To request an accommodation, please contact the ADA Manager at 405-490-0381 or the Oklahoma Relay Service at 1-800-722-0353. If you have any ADA or Title VI questions, email ODOT-ada-titlevi@odot.org.